

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M E M O R A N D U M

Honorable John A. Mendez
United States District Judge
Sacramento, California

**RE: Xavier Rashawn HERNDON
Docket Number: 2:04CR00043-01
REQUEST FOR DISMISSAL
OF PETITION**

Your Honor:

On August 24, 2012, the undersigned submitted a Probation Form 12C - Petition for Warrant, to Your Honor with regards to Mr. Herndon's conduct while on supervision. Your Honor ordered issuance of a warrant, which was lodged as a detainer, as Mr. Herndon was in Yolo County custody. After charges in Yolo County were dismissed, the offender was brought to address the violation petition. The offender spent approximately five months in Yolo County custody while awaiting disposition of his Domestic Violence charges (Count 2 of the violation petition).

The disposition of the violation petition has been continued on numerous occasions while awaiting the disposition of the Driving Under the Influence (DUI) charge in Placer County. The undersigned has confirmed, on December 12, 2013, charges in Placer County were dismissed (Count 1 of the violation petition).

Based on the aforementioned information, it is recommended that the violation petition filed on August 24, 2012, be dismissed and the presently scheduled Court hearing for January 28, 2014, be vacated. The undersigned has conferred with both the Assistant United States Attorney and Defense Counsel on this matter, and all parties are in agreement.

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Docket Number: 2:04CR00043-01
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Respectfully submitted,

/s/ Glenn P. Simon

Glenn P. Simon
Senior United States Probation Officer

Dated: January 15, 2014
Sacramento, California
gps:cd

REVIEWED BY: /s/ Jeffrey C. Oestreicher
Jeffrey C. Oestreicher
Supervising United States Probation Officer

cc: William Wong
Assistant United States Attorney

Courtney Fein
Defense Counsel

AGREE: XXX

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge

1/17/2014
DATE